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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,723	10/01/2003	Susumu Shimotono	IBM1P050/JP920020150US1	4861

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EXAMINER	
MERCEDES, DISMERY E	

ART UNIT	PAPER NUMBER
2651	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,723	SHIMOTONO ET AL.	
	Examiner	Art Unit	
	Dismery E. Mercedes	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-29* is/are pending in the application.

4a) Of the above claim(s) *14* is/are withdrawn from consideration.

5)☒ Claim(s) *9-13,15,16 and 20-27* is/are allowed.

6)☒ Claim(s) *1,17-19,28 and 29* is/are rejected.

7)☒ Claim(s) *2-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 & 28 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In page 2, line 7, the recitation "occurring immediately prior to the current information" is not described in the specification. As per claim 28, in page 10, lines 7-8 of claim, the recitation "the history being information acquired immediately prior to the current information" is not disclosed in the specification.

3. The indicated allowability of claim 17 is withdrawn in view of the newly discovered reference(s) to Kikuta et al.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed

under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 17, 18, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuta et al. (US 2002/0027733 A1).

Kikuta et al. et al. discloses an acceleration sensor for detecting an acceleration of a housing coupled to said magnetic disk device (as depicted in Fig.1 and page 1, [0008]); a shock manager for analyzing acceleration information acquired by said acceleration sensor and a history thereof, to predict a probability of shock to said magnetic disk device (as depicted in Figs 1-3 "generated history controller/manager", and page 3, [0030, 0037]); and a driver for controlling said magnetic disk device operation including a disk head escape operation based on a prediction result by said shock manager (as depicted in Fig.1-3 and Fig.7, "R/W operation inhibition signal", page 2, [0026], page 5, [0058]).

As to Claim 29, has similar limitations as to those treated in the rejection of claim 17, and are met by the reference as discussed above.

As to Claim 18, Kikuta et al. further discloses (page 4, [0044]).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuta et al. (US 2002/0027733 A1) in view Matsushita et al. (JP 04-152268).

Kikuta et al. discloses system according to claim 17, but fails to particularly disclose wherein if said diagnosis processing section determines that a shock occurred before the magnetic head escape was completed, said diagnosis processing section provides a user notification warning a user that a fault may have occurred in the magnetic disk device.

However, Matsushita et al. discloses such (abstract-Constitution section). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify upon Kikuta's device by implementing a self-diagnosis monitor as disclosed by Matsushita et al. the motivation being because it would provide Kikuta's system with the enhanced capability of sending a prohibit signal to the memory card and thus enables the operator to run the self-diagnosis program (as taught by Matsushita et al.-see abstract).

Allowable Subject Matter

7. Claim ***9-13,15,16 and 20-27*** are allowed over the prior art.

8. Claim 2-8, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ishiyama et al. (US 2003/0067705 A1); Kisaka et al. (2004/0190187 A1), Ito et al. (2004/020098 A1), Lee et al. (5,521,772), Carlson et al. (US 6,018,431), Serrano et al. (US 6,429,990 B2).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E. Mercedes whose telephone number is 571-272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dismery E Mercedes
Examiner
Art Unit 2651

DM

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600